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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/873,974	06/12/1997	MICHAEL C. SCROGGIE	CAT/34-SCRO-US	2461

31518 7590 07/12/2005

NEIFELD IP LAW, PC  
4813-B EISENHOWER AVENUE  
ALEXANDRIA, VA 22304

EXAMINER
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ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
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3639

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

08/873,974

Applicant(s)

SCROGGIE ET AL.

Examiner

Akiba K. Robinson-Boyce

Art Unit

3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 54,63-69,73-79 and 83-89 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 54,63-69,73-79 and 83-89 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Status of Claims*

1. The following office action is in response to the decision on appeal filed 9/3/04. Currently, the rejections for claims 50, 51-53, 55-59, 60-62, 70-72, and 80-82 have been sustained. Claims 54, 63-69, 73-79 and 83-89 remain pending in this application. Claims 54, 63-69, 73-79 and 83-89 are rejected as follows.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 63, 73 and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloane (US Patent 5,918,211).

As per claims 63, 73 and 83, Sloane fails to disclose:  
Wherein said cooperative network site transmits said geographically limited list of retailers based on a postal code...

Official notice is taken that it is old and well known in the art to have a geographical list sorted by postal code.

It would have been obvious to one of ordinary skill in the art to sort a geographical list by postal code in order to specifically define the closest locations in which incentive data can be sent.

4. Claims 54, 64-69, 74-79, and 84-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloane (US Patent 5,918,211), and further in view of Narasimhan, et al (US Patent 6,237,145 B1).

As per claim 54, 64, 74 and 84 Sloane discloses:

Transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site... (Col. 7, lines 4-13, where the incentive selection data is represented by the consumer promotion or message offered with the item on sale);

Transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site... (Col. 8, lines 3-7, where the incentives are represented by discount or promotion).

Sloane fails to disclose, however Narasimhan et al discloses:

Transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to a query from said consumer made over said communication network from said retailer network site... (Col. 8, lines 4-19, where the query is represented by the extended search for a specific type of promotion which is also defined as an extended search query in Col. 8, lines 41-47).

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It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to transmit incentive data in response to a query from a consumer with the motivation of giving the consumer more of a reason to participate in the incentive program since he/she would be more likely to receive an incentive for a product in which he/she is interested.

As per claims 55, 65, 75, 85, Sloane discloses:

Said consumer transmits incentive selection data.../transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site.../means for transmitting by said consumer incentive selection data...(Col. 7, lines 4-13, where the incentive selection data is represented by the consumer promotion or message offered with the item on sale);

Said cooperative network site transmits incentives corresponding to said selection data.../transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site.../means for transmitting from said cooperative network site incentives corresponding to said selection data...(Col. 8, lines 3-7, where the incentives are represented by the discount or promotion).

Sloane fails to teach the following, however Narasimhan et al discloses:

Wherein, in response to a query from said consumer made over said communication network from said retailer network site, said cooperative network site transmits a consumer personal page.../transmitting from said cooperative network

site a consumer personal page including incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to a query from said consumer made over said communication network from said retailer network site.../means for transmitting from said cooperative network site a consumer personal page including incentive data... (Col. 4, lines 41-45, where the personal page is represented by the presentation of the promotions in a manner customized to a particular user's interests via the internet by way of a navigator). It would have been obvious to one of ordinary skill in the art to transmit a consumer personal page with the motivation of offering the consumer with a page specifically customized for his or her purchasing purposes.

As per claim 56, 66, 76 and 86, Sloane discloses:

Said consumer transmits incentive selection data.../transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site.../means for transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site... (Col. 7, lines 4-13, where the incentive selection data is represented by the consumer promotion or message offered with the item on sale);

Said cooperative network site transmits incentives corresponding to said selection data.../transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site.../means for transmitting from said cooperative network site incentives

corresponding to said selection data to said consumer via said retailer network site... (Col. 8, lines 3-7, where the incentives are represented by the discount or promotion).

Sloane fails to teach the following, however Narasimhan et al discloses:

Wherein, in response to said consumer transmitting an identification code over said communication network from said retailer network site, said cooperative network site transmits incentive data for manufacturer offers available.../transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to said consumer transmitting an identification code over said communication network from said retailer network site, and basing said incentive data on consumer specific data of said consumer associated with said identification code.../means for transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to said consumer transmitting an identification code over said communication network from said retailer network site, and basing said incentive data on consumer specific data of said consumer associated with said identification code... (Col. 6, lines 50-59, Col. 4, lines 41-45, Col. 9, lines 5-12).

It would have been obvious to one of ordinary skill in the art to transmit an identification code over the communication network with the motivation of transmitting the incentive to a specific identified consumer.

As per claim 57, 67, 77 and 87, Sloane discloses:

Wherein said incentive data is based on said consumer specific data comprising a shopping history of said consumer...(Col. 8, lines 50-63).

As per claim 58, 68, 78 and 88, Sloane fails to disclose, however Narasimhan et al discloses:

Wherein said incentive data is based on said consumer specific data comprising demographic data...(Col. 9, lines 5-16).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to base incentive data on demographic data with the motivation of offering incentives to customers based on the size, density and distribution of a population of consumers.

As per claim 59, 69, 79 and 89, Sloane fails to disclose, however Narasimhan et al discloses:

Wherein said incentive data is based on said consumer specific data comprising customer profile data...(Col. 1, lines 15-20).

It would have been obvious to one of ordinary skill in the art for incentive data to be based on customer profile data with the motivation of offering customers incentives with relation to specific customer qualities:

### **Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Tuesday 8:30am-5pm, and Wednesday, 8:30 am-12:30 pm.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



A. R. B.  
June 23, 2005

JOHN G. WEISS  
SUPERVISORY PATENT EXAMINER  
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